IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3439 OF 1994

Tukaram Ramchandra Chavan (Wasamkar), ..Petitioner
Vs
Shivram Ramchandra Wasamkar
(Chavan) and ors. ..Respondents
Mr N.J.Patil, for the petitioner.
Mr G.S.Godbole, for respondent nos 1 to 4.

CORAM : D.B.BHOSALE,J.

DATE : FEBRUARY 23, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. The petitioner's application seeking appointment of a court commissioner for local investigation of the suit property and to bring on record the exact status of the property at the relevant time was rejected by the impugned order dated 29.3.1994. That application was filed stating that since there was no standing crop at the relevant time, it was easy to carry out the work of court commissioner. I perused the application as also the order by which the application has been rejected. The application was absolutely vague and, therefore, it has been rightly rejected by the trial Court. Moreover, the party cannot seek an appointment of a

court commissioner to collect evidence. I find no reason to interfere with the order impugned in the present petition. The writ petition, therefore, fails and is dismissed as such. Rule is discharged. The interim order stands vacated.

(D.B.Bhosale, J.)